

AMENDMENTS TO THE DRAWINGS

A new Figure – Fig. 4 – is added in block diagram form. Support for this figure is found at least in the claims from which the demand for illustration of visibility range and associated operational parameters originates.

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Drawings

A new Figure – Fig. 4 – is added. This meets the examiner's objection with respect to illustrating claimed features. Support for this figure is found at least in the claims from which the demand for illustration of visibility range and associated operational parameters originates. Should the objection be maintained the examiner is requested to indicate, in very specific terms, the form in which the relationships between the nominated values is preferably illustrated.

Claims Amendments/Rejections under 35 USC § 103

In this response independent claims 1 and 9 have been amended to clarify that the radio is a radio network structure comprising several stations Si. *The radio network is in a state of broadcasting :* this is expressed by the fact that when a station Si transmits a signal containing a piece of information or a message, all the other stations know that a message or a piece of information has been sent page 10 lines 9-29. This main characteristic is neither described nor suggested in the prior art cited by the Examiner.

More specifically:

Pankaj

This reference relates to a communication network having a plurality of subscriber units. Column 2 lines 5-8 « an object of the present invention is to provide a system and a method for allocating a finite resource of a communication system among a plurality of subscribers.

In Pankaj the communication is not in a broadcasting structure. Column 3 line 64-Column 4 line 10, Pankaj teaches that « each of remote station 6 communicates with at most one base station 4 on a forward link at any data transmission interval. For example, station 4A transmits data exclusively to remote station 6A, base station 4B transmits data exclusively to

remote station 6B and base station 4C transmits data exclusively to remote station 6C on the forward link at time slots n. It is submitted that this is contrary to the characteristic of the present application wherein a radio network is in a state of broadcasting. Pankaj concerns the point to point link. Column 4 lines 28-35, Pankaj mentions only the fact that the base station 10 coordinates the communication between remote stations 6.

Pankaj does not describe a graph of competition between the different stations. In fact, it is not necessary in Pankaj, because a base station 10 is adapted to manage the different communications between remote stations 6. Then these stations can not be compared to stations in competition.

Schaeffer

The object of this patent is a method for allocating communication resources in a communication system using an allocation parameter that is set to an initial value and communications resources that are randomly selected from cells. The field of this patent is system comprising several cells. The process for allocating a resource is based on the following steps; if system performance is improved the candidate resource is retained as part of the allocation or if system performance is degraded the candidate resource is retained with a probability. The steps repeat while the allocation parameter is valid and upon completion a new communication resource allocation is downloaded to the communication system. In column 2 lines 42-50, Schaeffer mentions the need for a method of allocating and reallocating communication resources to cells for a communication system which accounts for the various criteria which must be satisfied within the system without consuming an inordinate amount of time and resources. Schaeffer claims the use of a system performance metric to evaluate if a candidate must be accepted or rejected. Schaeffer never mentions to use this method *in a radio network which is in a state of broadcasting as claimed in the present patent application.*

Therefore, the combination of the two documents of Pankaj and Schaeffer fails to teach the characteristic of the claims as amended and the rejection of claims 1-18 under 35 USC § 103(a) as being unpatentable over Pankaj and Schaeffer is respectfully traversed.

The other claims which depend on the amended claims set forth subject matter which is neither described nor suggested in the prior art and are therefore patentable in their own right.

Conclusion

It is respectfully submitted that the claims as they have been amended are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner

Registration No. 37,093

Customer Number: 33308
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: November 27, 2007